Bush Said to Be Studying A Pardon for Weinberger

Walsh Says He Has Not Been Consulted

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President Bush has been seriously studying whether to grant a holiday season pardon to former defense secretary Caspar W. Weinberger and possibly others who already have been convicted or pleaded guilty to Iran-contra related crimes, according to administration sources.

Weinberger has been charged by independent counsel Lawrence E. Walsh with four counts of lying to congressional Iran-contra investigators in 1987 and to Walsh's prosecutors in 1990.

The Weinberger trial is scheduled start on Jan. 5.

White House officials who have been examining the situation with Bush recently questioned journalists informally about the expected media reaction if the president were to pardon the 75-year-old former Reagan Cabinet member.

Sources said the matter "was being discussed" yesterday in the White House. One source close to the situation said that Bush was expected to act yesterday but left for Camp David without an announcement being made.

"Weinberger had a good shot," this source said, "but it seems less likely now that the president has left town."

Walsh, in a statement released yesterday, said his office has not been consulted about its views on a pardon for Weinberger or others.

The White House press office had no comment on the matter.

Although a president has unlimited pardon powers, it is highly unusual to pardon someone before trial and conviction. The most famous precedent would be President Gerald R. Ford's controversial pardon in September 1974 of former president Richard M. Nixon, who was never indicted.

In a column published yesterday,

CASPAR W. WEINBERGER
... trial scheduled for Jan. 5

Rowland Evans and Robert Novak wrote that the "outside pardon deadline" is before a jury is empaneled for the Weinberger trial in January. Robert S. Bennett, Weinberger's lawyer, would not comment on the matter.

The Iran-contra affair involved the secret sale of weapons to Iran in exchange for the release of American hostages held in Lebanon by pro-Iranian terrorists and the diversion of money from that sale to provide support for anti-communist rebels in Nicaragua known as the contras.

At the heart of the Weinberger indictment is evidence that in 1987 the former defense secretary may have concealed from congressional investigators his personal notes

See WEINBERGER, A7, Col. 1

Bush Said to Be Weighing A Pardon for Weinberger

WEINBERGER, From A1

that detailed events in 1985 and 1986 involving the Iran-contra affair.

The notes undermine what then-President Ronald Reagan said about the origins and operation of the covert arms-for-hostages dealings. The notes also appear to contradict statements Weinberger made in congressional testimony in 1986 and 1987, which are among the charges brought by Walsh against him.

Walsh's prosecutors have argued in court pleadings that Weinberger deliberately withheld his notes to protect himself and Reagan.

Weinberger, who has pleaded not guilty, says he told no lies and is being unfairly prosecuted because he would not provide incriminating information about Reagan to Walsh's office.

If the notes had been made available to congressional investigators in April 1987, when a House-Senate select committee was beginning its inquiry into the Iran-contra scandal, the course of the public hearings might have been far different, Walsh's investigators have said.

For example, Reagan said in a November 1986 public statement that the arms sales to Iran did not violate any laws, while Weinberger's notes show the defense secretary and others opposed the dealings on the grounds they were illegal.

Reagan also told a White House special review board in 1987 that he had no prior knowledge of a November 1985 arms-for-hostages shipment to Iran while Weinberger's notes record that the former president approved the deal days before it took place.

Reagan also regularly maintained he was not trading arms for hostages. But Weinberger noted that in a Dec. 7, 1985, White House meeting he told the then-president he equated the arms shipments with "ransom" for the captive Americans.

Walsh is said to consider the Weinberger case the most important in his six-year, $35 million investigation.

Convictions of two prime subjects of the inquiry, former White House aide Oliver L. North and former national security adviser John M. Poindexter, were set aside on appeal after questions were raised that their congressional testimony, given under grants of immunity from prosecution, might have tainted testimony of trial witnesses.

White House officials have said that a pardon of Weinberger would not represent an attempt by the president to protect himself. For example, sources said, Bush is mentioned specifically in only one Weinberger note.

That Jan. 7, 1986, note of an Oval Office meeting contradicted Bush statements about his knowledge of the Iran arms dealings. Its release in the closing days of the presidential campaign as part of a new Walsh indictment of Weinberger on Oct. 30 caused a last-minute flurry when then-candidate Bill Clinton used it to question Bush's credibility.

Days after the election, Vice President Quayle, some White House aides and senior Republicans advised Bush to consider a pardon for Weinberger.

At that time, Bush was described by one associate as believing that Weinberger was "an innocent victim of Walsh's drive to get [Bush] and that it is a travesty overall."

Sources said that Bush attempted to make public last summer the answers he gave in the single January 1988 interview he had with Iran-contra prosecutors while he was vice president.

That request to Walsh was renewed last week, sources said. Walsh yesterday had no comment on the Bush request, a spokesman said.

Bush is said to consider the charges against Weinberger to be harassment by Walsh. He is also said to feel that the former Republican Cabinet member could not get a fair trial before a jury in normally Democratic District of Columbia.

The president has been pressured by Republicans, led by Senate Minority Leader Robert J. Dole (Kan.), who believe that Weinberger has already suffered enough over the past two years as a subject of Walsh's investigation.

Evans and Novak wrote that Bush is considering pardons for others caught up in the Iran-contra affair, including former CIA spy chief Clair E. George, who was recently convicted; Alan D. Fiers Jr., the former chief of CIA's Central American task force, who pleaded guilty to withholding information from Congress, and Elliott Abrams, the former assistant secretary of state for Inter-American affairs who pleaded guilty to withholding information.

Others who have pleaded guilty in the worst scandal of the Reagan administration include former national security adviser Robert C. McFarlane and Richard V. Secord, a retired major general who ran the covert arms sales and aid to the Nicaraguan rebels.

Walsh has also indicted another CIA official, Duane "Dewey" Clarridge, former director of the counterterrorism unit, who has been charged with seven counts of perjury and false statements. His trial is set to begin March 15.

Walsh's investigators have said privately that the Weinberger trial will shed new light on how the former defense secretary and other top aides to Reagan allegedly concealed from congressional investigators details of the arms-for-hostages operation.

Bush, then vice president, attended several meetings that Walsh's investigators contend illustrate that a coverup was taking place.

Bush, as well as Reagan, may be called as witnesses by the defense. The two former presidents probably would be questioned on videotape, which would be played in court.